

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>v.</b>	§	<b>NO. 4:24-CR-00189-SDJ-BD</b>
	§	
<b>DEVEAN MCMARYION</b>	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This report and recommendation addresses a petition for revocation of the defendant's supervised release. Dkt. 4 (sealed).

**PROCEDURAL HISTORY**

In December 2014, United States District Judge Robert Junell sentenced defendant Devean McMaryion to 77 months imprisonment followed by three years of supervised release. Dkt. 1-3 at 1-3. McMaryion's term of supervised release commenced on July 3, 2024. Dkt. 4 at 1 (sealed).

In December 2024, a probation officer petitioned the court for a warrant, alleging that McMaryion had violated four conditions of his supervised release, but the government later withdrew one of those allegations. Dkt. 4 (sealed); Minute Entry for Jan. 28, 2025. The remaining allegations were that McMaryion had violated the conditions of supervision that required him to (a) not have any contact with a particular person or her children; (b) not leave the judicial district without the permission of the court or probation officer; and (c) notify the probation officer at least ten days prior to any change in residence or employment. Dkt. 4 at 1-2 (sealed).

In support of those allegations, the petition asserted that, since about November 2024, McMaryion was living with the restricted person at a residence outside of the court's judicial district without first obtaining permission. *Id.* It also asserted that McMaryion sent multiple text messages to that person without first obtaining permission. *Id.*

A final revocation hearing was held before me on January 28, 2025. The government moved to dismiss allegation four. Minute Entry for Jan. 28, 2025. McMaryion pled true to the three

remaining allegations. *Id.* He also consented to revocation of his supervised release and waived his right to object to my proposed findings and recommendations. *Id.*; Dkt. 14. The government requested a sentence of 14 months imprisonment followed by 18 months of supervised release, which is within the federal sentencing guidelines, with the first six months to be home confinement; the defendant agreed. After hearing argument from counsel, the court announced what its recommendation would be.

### RECOMMENDATION

In accordance with the Sentencing Reform Act of 1984, and having considered both parties' arguments, the court recommends that: (1) allegation four in the petition for revocation of McMaryion's supervised release, Dkt. 4 (sealed), be dismissed; (2) McMaryion's supervised release be revoked based on allegations one, two, and three in that petition, *id.*; (3) McMaryion be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 14 months with 18 months of supervised release to follow, with all prior conditions imposed except the condition requiring McMaryion to participate in an anger-management program (which he has already done), and with the first six months of his term of supervised release to be home confinement; and (4) McMaryion be placed at FCI Beaumont in Beaumont, Texas, if appropriate.

So **ORDERED** and **SIGNED** this 30th day of January, 2025.



---

Bill Davis  
United States Magistrate Judge